

# **EXHIBIT A**



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April 10, 2018

Via Electronic Mail

Shawn E. Shearer, Esquire  
The Law Office of Shawn Shearer, P.C.  
3839 McKinney Avenue, Suite 155-254  
Dallas, TX 75204

**Re: *Steven B. Barger v. First Data Corporation et al.*  
Civil Case No. 1:17-cv-4869**

Dear Shawn:

Further to your recent emails regarding deposition scheduling, no one is hiding any witnesses. We are dealing with very busy professionals and lawyers and are working to schedule as quickly as we can.

With respect to CEO Frank Bisignano's deposition, I have asked him to set aside a full day as permitted by the Federal Rules of Civil Procedure. His assistant is working to determine his availability to be deposed but I can inform you now that he is not available in April. We will provide you with dates when Mr. Bisignano is available as soon as possible.

In the meantime, we have been working to determine the availability of other defendants and 30(b)(6) witnesses you identified:

**1. *Deposition of Dan Charron:* Defendant Charron is available to deposed on **Wednesday, May 16, 2018** in Atlanta beginning at 10 am. If this date is acceptable, please advise as to the location for the deposition.**

**2. *Deposition of Rhonda Johnson:* Defendant Johnson is available to deposed on **Thursday, May 17, 2018** in Atlanta beginning at 10 am. If this date is acceptable, please advise as to the location for the deposition.**

Shawn Shearer, Esq.

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3. ***Deposition of 30(b)(6) witnesses:*** As to the 30(b)(6) witnesses, Defendant First Data Corporation has identified and designated following individuals to testify in the areas you have identified:

A. ***Area of Testimony:*** *The terms and conditions of First Data's employee policies and procedures, in particular, the FMLA, ADA, disability benefits, payroll processing, and life insurance benefits, including familiarity with First Data's outsourcing of any of these functions and First Data's contacts and agreements with outsourced services.*

***Designees:*** **Amy Steffen**, VP Human Resources Ops, and **Stephanie Pulverenti**, VP Benefits, are designated to testify as to the categories in Item 3(A). They are both resident in Omaha, Nebraska. Ms. Steffen is available to be deposed in Omaha beginning at 9 am on **Wednesday, April 18, 2018**. Ms. Steffen is available to be deposed in Omaha either the afternoon of April 18, 2018 or at 9 am on **Thursday, April 19, 2018**. Since you would already be in Omaha, we also propose scheduling the deposition of **Jennifer Voycheske**. Depending on your preference with regard to Ms. Pulverenti, Ms. Voycheske could either be available on April 19, 2018 or at 9:00 am on **Friday, April 20, 2018**. If these dates are acceptable, please advise as to the location for the depositions.

B. ***Area of Testimony:*** *Financial, tax, and general ledger accounting for salary, wages, benefits, STD, and LTD, and knowledge of the process for drafting, and the content of, the company's public SEC disclosures within the footnotes to financial statements and within the Management's Discussion and Analysis sections of the 10-Qs for 2017 and the recently filed 10-K for the 2017 annual period.*

***Designee:*** **Matt Cagwin**, Chief Accounting Officer, is designated to testify as to the categories in Item 3(B). Depending on how long you take with Ms. Johnson, Mr. Cagwin is currently available during the afternoon of **Thursday, May 17, 2018** in Atlanta. We are also checking to see if he is available on Friday, May 18, 2018.

C. ***Area of Testimony:*** An individual familiar with the online/social media procedures for employment opportunity postings by First Data (including without limitation, internal posting, Tweets, employment aggregators such as Monster and Indeed, etc.).

***Designee:*** **Oliver St. George**, Communications Manager, is designated to testify as to the categories in Item 3(C). Mr. St. George is resident in New York. We are working on a date for his deposition to coincide with the depositions of Tony Marino, Karen Whalen and Robin Ording, who are also resident in New York. We are looking for a week in June for all of those depositions to take place in New York.

These are the witnesses and dates I have confirmed for now. We are working to secure dates when Defendants Bisignano, Marino, Whalen and Johnson and Mr. St. George are available. Again, I can offer my office as a location for the NYC depositions.

Shawn Shearer, Esq.

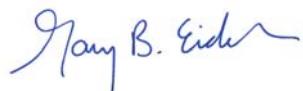
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I would like to discuss your request for a 30(b)(6) deponent in the areas of “information technology systems utilized by First Data in connection with its accounting systems, leave management systems, employee benefit systems, and the systems and accounts referred to as “GOOD”, 1DC, Hagerstown Mainframe (North/South/Concord/BANA), and Denver Mainframe (SY1/EFTPS).” Since this case involves claims under the FMLA and ADA, why are you seeking testimony on First Data’s technology systems? Please advise. If we cannot reach agreement on this issue, perhaps this is area of testimony that we can revisit later in the case.

Please let me know if the dates above work for the Plaintiff. That way, I can finalize the dates with the witnesses.

Very truly yours,



Gary B. Eidelman

cc: All Counsel of Record